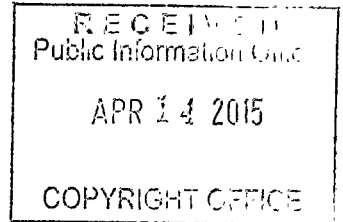


Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Library of Congress
Washington, D.C.



In re

**DETERMINATION OF ROYALTY
RATES AND TERMS FOR
EPHEMERAL RECORDING AND
DIGITAL PERFORMANCE OF SOUND
RECORDINGS (*WEB IV*)**

**DOCKET NO. 14-CRB-0001-WR
(2016-2020)**

**THE NATIONAL ASSOCIATION OF BROADCASTERS'
EXHIBIT LIST**

Pursuant to the Copyright Royalty Judges' April 9, 2015 Order Regarding Hearing and Prehearing Schedule, the National Association of Broadcasters ("NAB") hereby submits its exhibit list for the unified hearing. NAB's list of Exhibits is attached hereto as Attachment 1.

NAB reserves the right to offer at the hearing any of the following: (i) documents produced by any participant after the date hereof, (ii) documents produced by third parties pursuant to pending third party subpoenas permitted by the Judges, (iii) any exhibit attached to the Amended Written Rebuttal Testimony of the National Association of Broadcasters, to be submitted by April 21, 2015, (iv) any document used for the purposes of impeachment, pursuant to 37 C.F.R. § 351.10(g), and (v) any exhibit listed or offered by any other participant to which no objection is lodged by NAB (such reservation being subject to and without waiving any objections to any exhibit offered by any other participant). NAB reserves the right to offer at the hearing versions of the exhibits listed used at deposition. NAB reserves the right to introduce blow-ups, compilations, and summaries of the documents referenced herein as demonstrative evidence. NAB reserves the right to withdraw any listed exhibit at any time prior to the hearing.

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Respectfully submitted,

/s/ Michael L. Sturm

Bruce G. Joseph (D.C. Bar No. 338236)

bjoseph@wileyrein.com

Karyn K. Ablin (D.C. Bar No. 454473)

kablin@wileyrein.com

Michael L. Sturm (D.C. Bar No. 422338)

msturm@wileyrein.com

WILEY REIN LLP

1776 K St. NW

Washington, DC 20006

Phone: 202-719-7000

Facsimile: 202-719-7049

*Counsel for the National Association of
Broadcasters*

Dated: April 14, 2015

ATTACHMENT 1Proponent: The National Association of Broadcasters

<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4000	RESTRICTED	Written Direct Testimony of Michael L. Katz (Oct. 7, 2014)	
NAB Ex. 4001		Written Direct Testimony of Steven W. Newberry (Oct. 6, 2014)	
NAB Ex. 4002	RESTRICTED	Written Direct Testimony of John Dimick (Oct. 7, 2014)	
NAB Ex. 4003		Written Direct Testimony of Robert Francis Kocak (Buzz Knight) (Oct. 3, 2014)	
NAB Ex. 4004		Written Direct Testimony of Johnny Chiang (Oct. 7, 2014)	
NAB Ex. 4005	RESTRICTED	Written Direct Testimony of Ben Downs (Oct. 6, 2014)	
NAB Ex. 4006		Written Direct Testimony of Julie Koehn (Oct. 6, 2014)	
NAB Ex. 4007		Written Direct Testimony of Jean-Francois Gadoury (Oct. 10, 2014)	
NAB Ex. 4008		Written Direct Testimony of David B. Pakman (Oct. 7, 2014)	
NAB Ex. 4009		Written Rebuttal Testimony of John Dimick (Feb. 20, 2015)	
NAB Ex. 4010	RESTRICTED	Written Rebuttal Testimony of Michael L. Katz (Feb. 23, 2015)	

<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4011	RESTRICTED	Written Rebuttal Testimony of Roman L. Weil (Feb. 22, 2015)	
NAB Ex. 4012	RESTRICTED	Written Rebuttal Testimony of Dominique M. Hanssens (Feb. 22, 2015)	
NAB Ex. 4013	RESTRICTED	Corrected Written Rebuttal Testimony of Steven R. Peterson (Mar. 24, 2015)	
NAB Ex. 4014		Written Rebuttal Testimony of John R. Hauser (Feb. 23, 2015)	
NAB Ex. 4015-4100		RESERVED	
NAB Ex. 4101 ¹	RESTRICTED	Selected waiver agreements between the American Association of Independent Music and major record companies	
NAB Ex. 4102		Selected web pages from Lincoln Financial Media Company ("LFMC") station websites, reflecting community events	
NAB Ex. 4103		Selected web pages reflecting LFMC fundraising events	
NAB Ex. 4104		Selected web pages from LFMC station websites, reflecting station contests	
NAB Ex. 4105		Selected web pages from LFMC station websites, reflecting station blogs and local news	

¹ Exhibits 4101-4143 correspond with NAB's Written Direct and Written Rebuttal submissions.

<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4106		Web pages from KYGO reflecting the station's "Wall of Honor"	
NAB Ex. 4107		Selected pages from LFMC station social media sites	
NAB Ex. 4108		Messages from labels to LFMC personnel requesting airplay and expressing appreciation for support	
NAB Ex. 4109		Photographs of plaques provided by labels to LFMC stations and personnel	
NAB Ex. 4110		Selected web pages from WTAW's website, http://wtaw.com	
NAB Ex. 4111		Selected web pages from KZNE (The Zone)'s website, http://zone1150.com	
NAB Ex. 4112		Selected web pages from KNDE-FM (Candy 95)'s website, http://candy95.com	
NAB Ex. 4113		Selected web pages from KPWJ (Peace 107)'s website, http://peace107.com	
NAB Ex. 4114		Selected web pages from KAGC (Christian Family Radio)'s website, http://kagc1510.com	
NAB Ex. 4115		Selected web pages from KWBC (Navasota News)'s website, http://navasotanews.com	

<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4116		Selected web pages from Rock Candy's website, http://aggielandsrock.com	
NAB Ex. 4117		Selected web pages from KNDE-HD4 (Maverick 102.7)'s website, http://maverickradio.com	
NAB Ex. 4118	RESTRICTED	Spreadsheet detailing Bryan Broadcasting streaming ad revenues (Aug. 2014)	
NAB Ex. 4119	RESTRICTED	Compilation of Bryan Broadcasting SoundExchange Statements (Aug. 2014-Jan. 2011)	
NAB Ex. 4120	RESTRICTED	Spreadsheet of Bryan Broadcasting streaming bandwidth expenses (Jan. 2011-July 2014)	
NAB Ex. 4121	RESTRICTED	Spreadsheet of Bryan Broadcasting stream player expenses (Jan. 2011-Oct. 2014)	
NAB Ex. 4122		Screenshots of Candy 95 music-related Facebook (Oct. 1, 2014)	
NAB Ex. 4123		Screenshots of Candy 95 non-music related Facebook postings (Oct. 1, 2014)	
NAB Ex. 4124		WLEN Program Guide (Oct. 5, 2014)	
NAB Ex. 4125		2013 WLEN Report to the Community	

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<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4126		Email from Capitol Records Nashville promoting the release of new music and access to download free track for radio airplay (Oct. 6, 2014)	
NAB Ex. 4127		Emails from record label representatives to Cox Media re: effective of radio airplay on sales of music	
NAB Ex. 4128	RESTRICTED	Letter from [REDACTED]	SNDEX0276773-777
NAB Ex. 4129	RESTRICTED	[REDACTED]	SNDEX0276729-772
NAB Ex. 4130	RESTRICTED	Letter from [REDACTED]	SNDEX0276778-806
NAB Ex. 4131	RESTRICTED	[REDACTED]	SNDEX0276923-987


<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4132	RESTRICTED	[REDACTED]	SNDEX0269898-902
NAB Ex. 4133	RESTRICTED	[REDACTED]	SNDEX0269154-177
NAB Ex. 4134		Statement of Bureau of Competition Director Richard A. Feinstein, In the Matter of Vivendi, S.A. and EMI Recorded Music (September 21, 2012)	
NAB Ex. 4135	RESTRICTED	Letter from [REDACTED] [REDACTED]	SNDEX0276845-871
NAB Ex. 4136	RESTRICTED	Sony Music, GDB Strategy, SME Curated Music	SNDEX0214793-806
NAB Ex. 4137		Declaration of Rand Levin (November 20, 2014)	
NAB Ex. 4138		Declaration of Julie Swidler (November 20, 2014)	
NAB Ex. 4139		Declaration of Paul M. Robinson (November 20, 2014)	

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<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4140	RESTRICTED	Promotion Expenditure/Overhead Documents for Interscope, Republic, Columbia, RCA, Sony Nashville	SNDEX0126592-601, SNDEX0100372, SNDEX0125699-703, SNDEX0126177-179
NAB Ex. 4141	RESTRICTED	SoundExchange Licensee Payment Data (2010-2013)	SNDEX0049480 (electronic file)
NAB Ex. 4142	RESTRICTED	SoundExchange Licensee Payment Data (2007-2011)	SNDEX0126123 (electronic file)
NAB Ex. 4143		SoundExchange Responses to Licensee Participants' Interrogatory 7 (Nov. 8, 2014)	
NAB Ex. 4144		Hauser Exhibit 1a-Video RE Incentive Alignment Confusion (Disc)	
NAB Ex. 4145		Hauser Exhibit 1b-Video RE Features Confusion (Disc)	
NAB Ex. 4146		Hauser Exhibit 2-Repondent's Understanding of Professor McFadden's Incentive Alignment	
NAB Ex. 4147		Hauser Exhibit 3-Respondents' Interpretation of Professor McFadden's Music Streaming Feature Descriptions	
NAB Ex. 4148		Hauser Exhibit 4-Respondents' Understanding of Professor McFadden's Description of Music Streaming Service Features	

<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4149		Hauser Exhibit 5-Respondents' Understanding of Professor McFadden's Description of Music Streaming Service Features (On-Demand Track Selection)	
NAB Ex. 4150		Hauser Exhibit 6-Respondents' Understanding of Professor McFadden's Description of Music Streaming Service Features (Offline Listening)	
NAB Ex. 4151		Hauser Exhibit 7-Respondents' Understanding of Professor McFadden's Description of Music Streaming Service Features (Mobile Device Streaming)	
NAB Ex. 4152		Hauser Exhibit 8-Respondents' Understanding of Professor McFadden's Description of Music Streaming Service Features (Skip Limits)	
NAB Ex. 4153		Hauser Exhibit 9-Respondents' Understanding of Professor McFadden's Description of Music Streaming Service Features (Available Library Size)	
NAB Ex. 4154		Hauser Exhibit 10-Respondents' Understanding of Professor McFadden's Description of Music Streaming Service Features (Advertising)	

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<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4155		Hauser Exhibit 11- Respondents' Understanding of Professor McFadden's Description of Music Streaming Service Features (Video Coding)	
NAB Ex. 4156		Hauser Exhibit 11-Count of Respondents Who Correctly Identified Varying Numbers of Music Streaming Features	
NAB Ex. 4157	RESTRICTED		SNDEX0276898
NAB Ex. 4158	RESTRICTED	Licensee Payment Data from 2007, 2008, 2009, 2010, and 2011	SNDEX0126124
NAB Ex. 4159	RESTRICTED	Letter to Hon. Herbert Kohl and Hon. Michael S. Lee (Subcommittee on Antitrust, Competition Policy and Consumer Rights, June 19, 2012) (Lexton Dep. Ex. 30)	
NAB Ex. 4160	RESTRICTED	Email Correspondence from Charlie Lexton to Chris Harrison RE "SoundExchange etc" (May 30, 2014)	PAN_CRB_0040293
NAB Ex. 4161	RESTRICTED	Bain & Company, "U.S. Music Consumer Insights Discussion" (Aug. 27, 2014)	SNDEX0099032-056
NAB Ex. 4162	RESTRICTED	NPD Group Study "RIAA: What's Driving the Decline in Spending on Digital Music Downloads?" (Aug. 2014)	SNDEX0100373-405

<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4163	RESTRICTED	Bain & Company, "UMG Global Forecast October 2014" (Dec. 5, 2014) (Harrison Deposition Ex. 29)	
NAB Ex. 4164	RESTRICTED	Bain & Company, "U.S. Music Industry Insights-Summary" (Oct. 2014)	SNDEX0122040-067
NAB Ex. 4165	RESTRICTED	UMG, "U.S. Music Full Year Strategic Plan – 2015 to 2019"	SNDEX0118302
NAB Ex. 4166	RESTRICTED	UMG Profit/Loss Statement (Sept. 2014)	SNDEX0118301
NAB Ex. 4167	RESTRICTED	Interscope Records Summary of Marketing/Promotion Spend (Oct. 28, 2014)	SNDEX0100371
NAB Ex. 4168	RESTRICTED	UMG Global Task Report-Large Labels (2011)	SNDEX0119332-344
NAB Ex. 4169	RESTRICTED	UMG Marketing Overhead (2011-2013)	SNDEX0119307-331
NAB Ex. 4170	RESTRICTED	UMG A&R Overhead (2011-2013)	SNDEX0119283
NAB Ex. 4171	RESTRICTED	Sony Music US Roll Up (FY2011-Mar. 2014)	SNDEX0054788-791
NAB Ex. 4172	RESTRICTED	Sony Music FY2014 Streaming Revenues	SNDEX0054754-760
NAB Ex. 4173	RESTRICTED	Pink "The Truth About Love" Marketing Plan (2012)	SNDEX0110186-203
NAB Ex. 4174	RESTRICTED	RCA Records Marketing Spending through FY 2014 for Pink, "The Truth About Love"	SNDEX0102293-295
NAB Ex. 4175	RESTRICTED	Sony Music Payroll Data	SNDEX0054747-753

<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4176		MusicAlly article "Sony Music: 'We don't see any evidence of streaming significantly cannibalizing download sales'" (Dec. 10, 2014) (Kooker Dep. Ex. 8)	
NAB Ex. 4177	RESTRICTED	NPD Group Report, "2013 NPD Annual Music Study"	SNDEX0079662-751
NAB Ex. 4178	RESTRICTED	NPD Group, "Sony Music Streaming Survey" (Jan./Fe. 2012)	SNDEX0080021-069
NAB Ex. 4179	RESTRICTED	MIDiA "Global Music Forecasts 2014 to 2019: The Shift to the Consumption Era"	SNDEX0111851-874
NAB Ex. 4180	RESTRICTED	Sony Music "FYE14 Marketing & Promo Costs" (2014)	SNDEX0119347-358
NAB Ex. 4181	RESTRICTED	Sony Music "MRP 716-718"	SNDEX0111875-999
NAB Ex. 4182	RESTRICTED	Sony Entertainment "Sony IR Day" Presentation (Nov. 18, 2014) (Kooker Dep. Ex. 25)	
NAB Ex. 4183	RESTRICTED	SoundExchange "Sony Estimated Distribution Projections Update FY2015" (Jan. 28, 2014)	SNDEX0106715-731
NAB Ex. 4184	RESTRICTED	USRM Operations Statement of Operations	SNDEX0123357-359
NAB Ex. 4185	RESTRICTED	WMG Digital Strategy Document (October 22, 2013)	SNDEX0119485-517
NAB Ex. 4186	RESTRICTED	WMG Analysis of Download Growth (Oct. 2013)	SNDEX0119434-456
NAB Ex. 4187	RESTRICTED	WMG "Windowing" Report (Apr. 2, 2014)	SNDEX0119457-484

<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4188	RESTRICTED	[REDACTED]	SNDEX0266588-655
NAB Ex. 4189	RESTRICTED	[REDACTED]	SNDEX0086254-276
NAB Ex. 4190	RESTRICTED	Sony Music Entertainment, "Sony Music GDB Strategy: SME Curated Music"	SNDEX0214793-806
NAB Ex. 4191	RESTRICTED	Sony Music "Radio Discussion" (Nov. 2012)	SNDEX0210992- 211003
NAB Ex. 4192	RESTRICTED	Jacobs Media, "Car Wars"	NAB00006329-371
NAB Ex. 4193	RESTRICTED	Jacobs Media, "Jacobs Techsurvey 10 Total Results"	NAB00006453-503
NAB Ex. 4194	RESTRICTED	Lenawee Broadcasting Company, "WLEN Survey Results"	NAB00008670-682
NAB Ex. 4195		Hauser Appendix E "Replication Survey"	
NAB Ex. 4196		Billboard.com article, "Investors Put \$2.4 Billion Into Music in 2013, Streaming Tops List" (Jan. 31, 2014) (Blackburn Dep. Ex. 3)	
NAB Ex. 4197		Statista.com statistic, "U.S. Media Habits: Estimated time spent listening to recorded music in the U.S. from 2002 to 2012	SNDEX0004465-466

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<u>Exhibit Number</u>	<u>Restricted</u>	<u>Description</u>	<u>Bates Range</u> (if applicable)
NAB Ex. 4198		"Essays on the Economics of Copying and the Recorded Music Industry" by David J.H. Blackburn, Harvard University (July 2005)	SNDEX0112419-584
NAB Ex. 4199	RESTRICTED	SoundExchange Licensee Payment Data (2014)	SNDEX0392399 (electronic file)
NAB Ex. 4200	RESTRICTED	EPIC Records Radio Promotion Direct Overhead Expenses and EPIC Records Radio Spend	SNDEX0321243, SNDEX0321245

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2015, I caused copies of the foregoing document to be served via email on the following parties, which have consented to email service:

Cynthia Greer Sirius XM Radio, Inc. 1500 Eckington Place, NE Washington, DC 20002 cynthia.greer@siriusxm.com P: 202-380-1476 F: 202-380-4592 <i>Sirius XM Radio Inc.</i>	Patrick Donnelly Sirius XM Radio, Inc. 1221 Avenue of the Americas 36th Floor New York, NY 10020 patrick.donnelly@siriusxm.com P: 212-584-5100 F: 212-584-5200 <i>Sirius XM Radio Inc.</i>
Paul Fakler Martin Cunniff Jackson Toof Arent Fox LLP 1675 Broadway New York, NY 10019 Paul.Fakler@arentfox.com Martin.Cunniff@arentfox.com Jackson.Toof@arentfox.com <i>Counsel for Sirius XM Radio Inc.</i>	Gary Greenstein Wilson Sonsini Goodrich & Rosati 1700 K Street, NW, 5th Floor Washington, DC 20006 ggreenstein@wsgr.com P: 202-973-8849 F: 202-973-8899 <i>Counsel for Pandora Media, Inc.</i>
Christopher Harrison Pandora Media, Inc. 2101 Webster Street, Suite 1650 Oakland, CA 94612 charrison@pandora.com P: 510-858-3049 F: 510-451-4286 <i>Pandora Media, Inc.</i>	R. Bruce Rich Todd Larson Sabrina Perelman Weil, Gotshal & Manges LLP 767 Fifth Avenue New York, NY 10153 r.bruce.rich@weil.com todd.larson@weil.com sabrina.perelman@weil.com P: 212-310-8170 F: 212-310-8007 <i>Counsel for Pandora Media, Inc.</i>

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<p>C. Colin Rushing Bradley Prendergast SoundExchange, Inc. 733 10th Street, NW, 10th Floor Washington, DC 20001 crushing@soundexchange.com bprendergast@soundexchange.com P: 202-640-5858 F: 202-640-5883 <i>SoundExchange</i></p>	<p>Glenn Pomerantz Kelly Klaus Anjan Choudhury Melinda LeMoine Munger, Tolles & Olson LLP 355 S. Grand Avenue, 35th Floor Los Angeles, CA 90071-1560 Glenn.Pomerantz@mto.com Kelly.Klaus@mto.com Anjan.Choudhury@mto.com Melinda.LeMoine@mto.com P: 213-683-9100 F: 213-687-3702 <i>Counsel for SoundExchange</i></p>
<p>Catherine Gellis P.O. Box 2477 Sausalito, CA 94966 cathy@cgccounsel.com P: 202-642-2849 <i>Counsel for College Broadcasters Inc.</i></p>	<p>David Golden Constantine Cannon LLP 1301 K Street, NW, Suite 1300N Washington, DC 20004 dgolden@constantinecannon.com P: 202-204-3500 F: 202-204-3501 <i>Counsel for College Broadcasters Inc.</i></p>
<p>Harv Hendrickson, Chairman Russ Hauth 3003 Snelling Avenue, North Saint Paul, MN 55113 russh@saalem.cc hphendrickson@unwsp.edu <i>National Religious Broadcasters Noncommercial Music License Committee</i></p>	<p>Jeffrey Jarmuth Law Offices of Jeffrey Jarmuth 34 E Elm St Chicago, IL 60611-1016 jeff.jarmuth@jarmuthlawoffices.com P: 312-335-9933 F: 312-822-1010 <i>Counsel for Accuradio</i></p>
<p>William Malone 40 Cobbler's Green 205 Main Street New Canaan, CT 06840 P: 203-966-4770 Malone@ieee.org <i>Counsel for Intercollegiate Broadcasting System, Inc. and Harvard Radio Broadcasting Co., Inc.</i></p>	<p>George Johnson GEO Music Group 23 Music Square East, Suite 204 Nashville, TN 37203 george@georgejohnson.com P: 615-242-9999 <i>GEO Music Group</i></p>

PUBLIC VERSION

<p>Donna K. Schneider Associate General Counsel, Litigation & IP iHeartMedia, Inc. 200 E. Base Rd. San Antonio, TX 78209 DonnaSchneider@iheartmedia.com P: 210-832-3468 F: 210-832-3127 <i>Counsel for iHeartMedia, Inc.</i></p>	<p>Mark Hansen John Thorne Evan Leo Kevin Miller Caitlin Hall Scott Angstreich Igor Helman Leslie Pope Matthew Huppert Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C. 1615 M Street, NW, Suite 400 Washington, DC 20036 mhansen@khhte.com jthorne@khhte.com eleo@khhte.com kmiller@khhte.com chall@khhte.com sangstreich@khhte.com ihelman@khhte.com lpope@khhte.com mhuppert@khhte.com P: 202-326-7900 F: 202-326-7999 <i>Counsel for iHeartmedia, Inc.</i></p>
<p>Kenneth Steinthal Joseph Wetzel King & Spaulding LLP 101 Second Street, Suite 2300 San Francisco, CA 94105 ksteinthal@kslaw.com jwetzel@kslaw.com P: 415-318-1200 F: 415-318-1300 <i>Counsel for the Corporation for Public Broadcasting</i></p>	<p>David Oxenford Wilkinson Barker Knauer, LLP 2300 N Street, NW, Suite 700 Washington, DC 20037 doxenford@wbklaw.com P: 202-383-3337 F: 202-783-5851 <i>Counsel for National Association of Broadcasters and Educational Media Foundation</i></p>

PUBLIC VERSION

<p>Kevin Blair Brian Gantman Educational Media Foundation 5700 West Oaks Boulevard Rocklin, CA 95765 kblair@kloveair1.com bgantman@kloveair1.com P: 916-251-1600 F: 916-251-1731 <i>Educational Media Foundation</i></p>	<p>Gregory A. Lewis National Public Radio, Inc. 1111 North Capital Street, NE Washington, DC 20002 glewis@npr.org P: 202-513-2050 F: 202-513-3021 <i>Counsel for National Public Radio, Inc. (NPR)</i></p>
<p>Frederick Kass Intercollegiate Broadcasting System, Inc. 367 Windsor Highway New Windsor, NY 12553-7900 ibs@ibsradio.org ibshq@aol.com P: 845-565-0003 F: 845-565-7446 <i>Intercollegiate Broadcasting System, Inc.</i></p>	<p>Kurt Hanson AccuRadio, LLC 65 E. Wacker Place, Suite 930 Chicago, IL 60601 kurt@accuradio.com P: 312-284-2440 F: 312-284-2450 <i>AccuRadio, LLC</i></p>
<p>Jacob B. Ebin Akin Gump Strauss Hauer & Feld LLP One Bryant Park Bank of America Tower New York, NY 10036-6745 jebin@akingump.com P: 212-872-7483 F: 212-872-1002 <i>Counsel for Pandora Media, Inc.</i></p>	<p>Ethan Davis King & Spalding 1700 Pennsylvania Avenue, NW Suite 200 Washington, DC 20006 edavis@kslaw.com Tel: 202-626-5400 Fax: 202-626-3737 <i>Counsel for National Public Radio, Inc.</i></p>

/s/ Wesley E. Weeks

Wesley E. Weeks